

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 17951 of 2004

Between:

M/s. Manjira Agricultural Company, a regd. firm

Vide Regn. No. 10/96 rep. by its Managing Partner,
G. Satyanarayana, S/o. Ramulu,

R/o.38, MIG Railway Vihar, Serilingampally Mandal,
Ranga Reddy District.

..... PETITIONER

AND

1 The Revenue Divisional Officer,

Sangareddy Revenue Division, Patancheru,
Medak District.

2 Mandal Revenue Officer, Patancheru Mandal, Medak District.

3 Bioni Sathaiah, S/o. Venkaiah,

4 Bioni Peddulu, S/o. Venkaiah,

5 Bioni Mallesh, S/o. Venkaiah,

6 Bioni Balraj, S/o. Sathaiah,

(Respondents 3 to 6 are all R/o. Narregudem,

H/o. Ameenpur, Patancheru Mandal, Madak District)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a Writ of Mandamus declaring the action of the 1st respondent in entertaining an appeal in impugned proceedings No. A3/2138/2004 dated 8-9-2004 against the mutation order dated 22-6-1998 of the 2nd respondent as being illegal, arbitrary and unconstitutional and contrary to the provisions of A.P. Rights in Land and Pattedar Pass Books Act, 1971 read with A.P. Rights in Land and Pattedar Pass Books Rules, 1989 and set aside the same.

Counsel for the Petitioner:MR.S.NIRANJAN REDDY

Counsel for the Respondent Nos.1 and 2: G.P. FOR REVENUE

Counsel for the Respondent Nos.3 to 6:MR.G.SHIVA KUMAR

GOUD

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17951 OF 2004

ORDER:

The Writ Petition is filed seeking a Writ of Mandamus declaring the action of first respondent in entertaining appeal in impugned proceedings No.A3/2138/2004, dt.8.9.2004 against the mutation order dt.22.6.1998 of second respondent as illegal, arbitrary, unconstitutional and contrary to the provisions of A.P.Rights inland and Pattadar Pass Books Act, 1971 read with A.P.Rights inland and Pattadar Pass Books Rules, 1989, and to set aside the same.

This Court while admitting the Writ Petition on 5.10.2004 suspended the impugned order. Now, respondents 3 to 6 have filed a petition to vacate the interim order. Though interlocutory applications are listed, with the consent of the learned counsel for the parties the Writ Petition itself is heard and is being finally disposed of.

The petitioner firm is aggrieved by order of first respondent dt.8.9.2004 whereby and whereunder while entertaining the appeal filed on 2.9.2004 by respondents 3 to 6 herein against the mutation order of the Mandal Revenue Officer, dt.22.6.1998, first respondent stayed mutation orders. Obviously, the appeal was filed by respondents 3 to 6 beyond the period of limitation under Section 5(5) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and therefore in the considered opinion of this Court, it was improper to pass impugned order of stay without notice to petitioner, especially when the order appealed was passed on 22.6.1998. It is well settled that when an appeal is presented with delay and is filed beyond the period of limitation, ordinarily, no Court can pass *ex parte* orders of stay unless a notice is issued to the opposite parties. On that limited ground alone, the impugned order is set aside and in the interest of both parties, the Writ Petition is disposed of directing first

respondent to dispose of the appeal duly considering the question of limitation as well expeditiously.

It is brought to the notice of this Court by Sri Sivakumar Goud, learned counsel for respondents 3 to 6, the appeal before first respondent stands posted to 18.11.2004. If that be so, both parties may approach first respondent on that date when first respondent shall, without granting any adjournment, hear the parties and pass orders. In any event, the appeal shall be disposed of by 22.11.2004. There shall be *status quo* as on today.

The Writ Petition, with the above observations and directions, is disposed of. No costs.

(V.V.S.RAO, J)

16.11.2004

bnr

To

1 The Revenue Divisional Officer,

Sangareddy Revenue Division, Patancheru,
Medak District.

2 Mandal Revenue Officer, Patancheru Mandal, Medak District.

3 2CCs to G.P. for Revenue, High Court Bldgs., Hyderabad (OUT)

4 2CD copies